

REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-35 and 39 are pending in the present application. Claims 36-38 have been cancelled by the present amendment. Claims 36-38 were rejected under 35 USC § 102(e) as being anticipated by Shishizuka et al. '916. Claims 1-6, 9, 11-14 and 39 were rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco '202. Claims 7-8 were rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Gu '988. Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Sawanobori '980. Claims 15-16 are rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Truc et al. '924. Claim 17 was rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Yamasaki '353. Claims 18-22, 24, 27, 29 and 31-34 were rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Truc et al. Claims 25-26 were rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco and Truc et al., further in view of Gu '988. Claim 28 was rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco and Truc et al., further in view of Sawanobori '980. Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over DiFrancesco and Truc et al., further in view of Yamasaki '353.

Referring to the rejection of claims 36-38 under 35 USC § 102(e) as being anticipated by Shishizuka et al., in order to expedite prosecution of the present application, the present amendment cancels claims 36-38.

Accordingly, this rejection is no longer applicable.

Referring to the rejection of claims 1-6, 9, 11-14 and 39 under 35 USC § 103(a) as being unpatentable over DiFrancesco, the reference to DiFrancesco is not believed to anticipate or make obvious the specific features required by the claimed invention. More specifically, claim 1 relates to a photographic film scanning system that includes a film-type selection device adapted to manually select a type of film to be scanned; and an adjustment device responsive to the film-type selection device and adapted to automatically change a position of a lens and a position of a light sensor device to provide proper focus for the selected type of film.

The reference to DiFrancesco discloses a scanning system having a moving lens. In DiFrancesco, in order to adapt the scan to different size film, a film gate 112 can be moved along a Y axis as shown in Figure 1. DiFrancesco also discloses that a lamp house 108 may be moved with film gate 112, and alternately, when lens 114 is a magnifying lens, the lens can be moved away from a sensor 118. Accordingly, the reference to DiFrancesco is not believed to show or suggest the specific claimed combination of a film-type selection device and an adjustment device, wherein the adjustment device is responsive to the manual adjustment of the film-type selection device to automatically change the position of both the lens and the light sensor to provide proper focus for the selected type of film. Additionally, absent Applicant's disclosure, it would not have been obvious to provide for the combination of the film-type selection device and the adjustment device in DiFrancesco, since the reference to DiFrancesco does not suggest the specific elements noted above and the specific feature with regard to moving both the lens and the light sensor. That is, there is no showing, suggestion or disclosure in the reference to DiFrancesco with regard to the elements noted above which permit the movement of both the lens and the light sensor.

Accordingly, the reference to DiFrancesco is not believed to anticipate or make obvious the specific features required by claim 1.

Claims 2-6, 9 and 11-14 depend either directly or indirectly from claim 1 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the applied reference. More specifically, these claims set forth further features of the film-type selection device and the adjustment device which are not believed to be shown or suggested in the applied reference. Additionally, these claims set forth that the system also includes a speed adjustment means that when taken in combination with the remaining elements, is not believed to be shown or suggested in the applied reference.

Accordingly, claims 2-6, 9 and 11-14 are also believed to be allowable over the applied reference.

Claim 39 refers to a method of scanning a film strip that requires the step of manually selecting a type of film to be scanned and changing the position of the lens and the light sensor to provide proper focus for the selected

film type. For the reasons noted above, the reference to DiFrancesco is not believed to show or suggest the features of claim 39.

Referring to the rejection of claim 7-8 under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Gu, the reference to Gu is not believed to correct the deficiencies of DiFrancesco with respect to the claimed invention. The reference to Gu relates to a system and method for the automatic correction of color video signals. The reference to Gu does not show or suggest the specific features of the claimed scanning system including the film-type selection device and the adjustment device that are adapted to adjust the position of the lens and the light sensor. Further, neither reference shows the elements noted above in combination with the claimed features of the gain adjustment device and the offset adjustment device. Accordingly, absent Applicant's disclosure, one having ordinary skill in the art would not have combined the above references to achieve the claimed invention, since neither reference suggests the modification as proposed in the official action.

Accordingly, the references to DiFrancesco and Gu, whether considered individually or in combination, are not believed to anticipate or make obvious the specific features required by claims 7 and 8.

Referring to the rejection of claims 15-16 under 35 USC § 103(a) as being unpatentable over DiFrancesco and Truc et al.; the rejection of claims 18-22, 24, 27, 29 and 31-34 under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Truc et al.; the rejection of claims 25-26 under 35 USC § 103(a) as being unpatentable over the combination of DiFrancesco and Truc et al., further in view of Gu; the rejection of claim 28 under 35 USC § 103(a) as being unpatentable over the combination of DiFrancesco and Truc et al., further in view of Sawanobori; and the rejection of claim 35 under 35 USC § 103(a) as being unpatentable over DiFrancesco and Truc et al., further in view of Yamasaki, each of the above-noted rejections are under 35 USC § 103(a). One of the references utilized in all of the above noted 103 rejections is the reference to Truc et al. which has an issue date of August 8, 2000 (which is after the filing date of March 28, 2000 of the present invention) and an effective filing date of February 21, 1996. Both the reference to Truc et al. and the present application, were at the time that the invention of the present application was made, commonly owned by Pakon, Inc.

As such, and in view of 35 USC § 103(c), as amended by the American Inventor's Protection Act (AIPA)(enacted November 29, 1999), the reference to Truc et al., which is a 35 USC § 102(e) reference, does not qualify as prior art in obviousness rejections under 35 USC § 103 in new or continuing applications. The present application was filed on March 28, 2000 which is after the November 29, 1999 date of the AIPA.

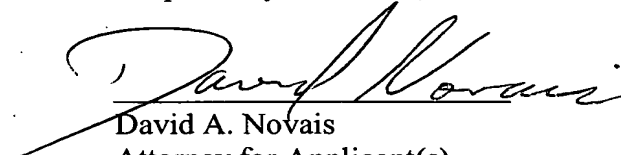
Therefore, the reference to Truc et al. should be removed as a prior art reference, and the rejection of claims 15-16, 18-22, 24-29 and 31-35 based on reference to Truc et al. with other references should be withdrawn.

Referring to the rejection of claim 17 under 35 USC § 103(a) as being unpatentable over DiFrancesco in view of Yamasaki et al., the reference to Yamasaki is not believed to correct the deficiencies of DiFrancesco with respect to the claimed invention. Additionally, even if combinable, both references fail to show or suggest the specific features of the scanning system as claimed and discussed above with reference to claim 1. Further, absent Applicant's disclosure, one having ordinary skill in the art would not have combined the above references as suggested in the official action, since the references do not show or suggest the specific combination of elements required by claim 17 and claim 1 from which claim 17 depends. ✓

Accordingly, DiFrancesco and Yamasaki et al., whether considered individually or in combination, are not believed to anticipate or make obvious the specific features required by claim 17.

In view of the foregoing it is submitted that the inventions defined by each of the claims 1-35 and 39 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,


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